



AF/2652
Docket No. 1293.1299 IFW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Patent Application of:

Go-hyun KIM et al.

Application No.: 10/029,984

Group Art Unit: 2652

Filed: December 31, 2001

Examiner: W. Klimowicz

For: OPTICAL DISC CHANGER

BRIEF OF APPELLANTS (IN TRIPLICATE)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

ATTENTION: MAIL STOP APPEAL BRIEF-PATENTS

In a Notice of Appeal filed July 6, 2004, the Applicant appealed the Examiner's March 3, 2004 Office Action finally rejecting claims 14-24. Appellant's brief together with the requisite fee of \$330.00 as set forth in 37 CFR § 1.17(f) is submitted herewith.

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I. REAL PARTY IN INTEREST (37 CFR §1.192(c)(1))

The real party in interest is SAMSUNG ELECTRONICS CO., LTD., the assignee of the subject application.

II. RELATED APPEALS AND INTERFERENCES (37 CFR § 1.192(c)(2))

Appellant, Appellants' legal representatives, and assignee are not aware of any other appeals or interferences which directly affect or be directly affected by, or having a bearing, on the Board's decision in the pending appeal.

III. STATUS OF CLAIMS (37 CFR §1.192(c)(3))

Appealed claims 14-21 have been rejected. Claims 22-24 have been "objected to."

IV. STATUS OF AMENDMENTS (37 CFR §1.192(c)(4))

No amendments were filed subsequent to the Final Office Action mailed March 3, 2004.

V. SUMMARY OF INVENTION (37 CFR §1.192(c)(5))

Referring to FIGS. 3 through 6, the features of the present invention as set forth in claims 14-24 are summarized below. Moreover, the present invention relates to an optical disc changer, and more particularly, to an optical disc changer in which the structure of a damping unit to absorb shock when a tray is unloaded from a main body is improved.

As shown in FIG. 3, an optical disc changer 200 includes a main body 210, a tray 250 slidably installed at the main body 210, a roulette 260 rotatably installed at the tray 250 and where a plurality of optical discs are accommodated, an optical pickup device 220 to selectively reproduce one of the optical discs accommodated on the roulette 260, and a clamp support 231 installed above the optical pickup device 220 to support a clamp plate 230 used to clamp the optical disc against the optical pickup device 220. Also, a damping unit 240 is provided to absorb shock when the tray 250 is loaded in or unloaded from the main body 210.

As shown in FIGS. 4 through 6, the damping unit 240 absorbs shock when the tray 250 is unloaded from the main body 210 while the optical pickup device 220 reproduces data from the optical disc. As the tray 250 is unloaded from the main body 210, a stop member 252 bumps against the damper 243 so that a further unloading is stopped. Since the damper 243

absorbs shock when the stop member 252 bumps against the damper 243, the shock is not delivered to the optical disc in reproduction so that reproduction of the optical disc is not deteriorated.

VI. ISSUES (37 CFR §1.192(c)(6))

An issue is whether claims 14 and 15 patentably distinguish over US Patent 6,438,087 to Omori.

A key subissue is whether the Omori patent discloses a damping unit to absorb shock when a tray is unloaded from a main body of an optical disc reproduction apparatus.

Another issue is whether claims 16-21 patentably distinguish over US Patent 5,123,005 to Kurosu.

A key subissue is whether the Kurosu patent teaches a damper to absorb an impact when a stop member and a hook step of an optical disc changer bump against each other.

VII. GROUPING OF CLAIMS (37 CFR §1.192(c)(7))

Group I: Claims 14 and 15 stand or fall together.

Group II: Claims 16-21 stand or fall together.

VIII. ARGUMENT (37 CFR § 1.192(c)(8))

In the Final Office Action, the Examiner rejected claims 14-21 under 35 U.S.C. § 102(e) as being anticipated by Omori (USP# 6,438,087). The Examiner also rejected claims 16-21 under 35 U.S.C. § 102(b) as being anticipated by Kurosu (USP# 5,123,005).

Omori

Omori discloses a disc tray 2, which is guided by a plurality of tray guides 15 formed combinedly on an inside of right and left side plates 14a of a chassis 14. A lift frame 16 is attached on the bottom 14b of the chassis. Insulators (dampers) 19 and 20 are fixed to the lift frame 16. See column 1, lines 50-67 and FIG. 4 of Omori.

Kurosu

Kurosu discloses that "the engagement between the loading gear and the rack of the disc tray is released just before the pull-in operation of the disc tray is completed and, at the

same time, a cam portion formed on the loading gear comes into engagement with the abutted portion of the disc tray, thereby allowing the disc tray to be subsequently pulled in by the pressing motion of the cam portion to the abutted portion. Thus, the pull-in speed of the disc tray can be reduced just before the completion of the pull-in operation of the disc tray and a shock which occurs upon completion of the pull-in operation of the disc tray can be reduced. Due to this, a shock sound by the collision of the disc tray and the member on the casing side for restricting the pull-in position of the disc tray and the shock to the disc player by such a collision are eliminated, thereby raising the quality of the disc player." See Abstract of Kurosu.

Further, in column 13, lines 23-26, Kurosu discloses that when the slide tray 7 reaches the pull-in position, abutting members 14 elastically come into contact with stopper members 6 in a state in which they are slightly depressed.

Group I: Claims 14 and 15

The Examiner believes that the insulators 19 and 20 of Omori are the same as the claimed damping unit. Moreover, the Examiner asserts that "when the tray is in the process of being ejected from the housing main body..., the damper members minimize the vibration transmitted to the chassis 16, since the vibration damper is located between connection portion 18 and portion 23 and when the chassis moves downward when the tray is unloaded, the vibration from 23 contacting portion base 14b is minimized due to the intervening damper 20, as is well recognized by those skill in the art."

As mentioned in the response filed May 26, 2004, the Examiner's assertion is not supported by the teachings of Omori. Nothing in the Omori reference discloses that the insulators 19 and 20 of Omori are used to absorb shock when the tray 2 is unloaded. As indicated in column 2, lines 56-66, when the disc tray 2 is unloaded, the lift frame 16 is driven in the downward direction (c_2) and does not allow the insulators 19 and 20 to come in contact with the disc tray 2. Therefore, it cannot be suggested that one skilled in the art would recognize that the insulators 19 and 20 are the same as the claimed damping unit to absorb shock when a tray is unloaded as recited in claim 14 of the present invention.

Claim 15 depends from claim 14. Thus, for at least the reason that claim 14 distinguishes over the cited prior art, it is respectfully submitted that claim 15 also distinguishes over the cited prior art.

Group II: Claims 16-21

In the Final Office Action mailed March 3, 2004, the Examiner asserts that Kurosu clearly and without question discloses a damping unit that anticipates the present invention (see page 6). The Examiner stated that a *prima facie* case of anticipation in view of the cited prior art is maintained, as it pertains to the rejected claims, and that the preponderance of evidence weighs most heavily in favor of anticipation within the meaning of 35 U.S.C. § 102 (see page 8).

However, nothing in Examiner's comments above or on pages 6-8 of the Office Action suggests that claims 16-21 are anticipated by the Kurosu reference. The Examiner fails to regard MPEP § 2131, which states, "a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference" and "the identical invention must be shown in as complete detail as is contained in the claim." The Examiner's comments regarding the teachings of Kurosu are not founded or supported by the disclosure of Kurosu. Instead, the Examiner relies on broad conclusory statements, subjective belief, and unknown authority.

On page 6 of the Office Action, the Examiner states that Kurosu provides a damper on the stopper member 6, which is elastic and absorbs impact between the abutting member 14 and the portion of the chassis on which the elastic portion of the stopper member 6 is mounted. The Examiner also states that "a damper (elastic member of element (6)) to absorb an impact when the stop member (14) and the hook step (mounting portion of (6)) bump against each other."

Here, the Examiner refers to the stopper member 6 and the abutting member 14 of Kurosu as being a stop member in order to suggest the Kurosu discloses the claimed damper as recited in claim 16 of the present invention. However, Kurosu discloses a stopper member 6 and an abutting member 14, which are different elements. Again, the Examiner relies on broad conclusory statements and unknown authority because such evidence as asserted by the Examiner is not found or supported by the disclosure of Kurosu. Moreover, there is no portion of Kurosu that discloses or suggests that the stopper member 6 is provided with a damper. Therefore, Kurosu does not disclose the features recited in claim 16.

Claims 17-21 depend from claim 16. Thus, for at least the reasons that claim 16 distinguishes over the cited prior art, it is respectfully submitted that claims 17-21 also distinguish over the cited prior art.

IX. CONCLUSION (37 CFR § 1.192(c)(9))

In summary, it is submitted that claims 14-24 patentably distinguish over the prior art. Reversal of the Examiner's rejection is respectfully requested.

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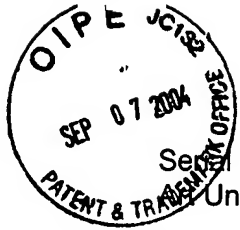
The required fee in the amount of \$330.00 is attached. If there are any additional fees associated with the filing of this Appeal Brief, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,
STAAS & HALSEY

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X. APPENDIX (37 CFR § 1.192(c)(10))

1.-13. (cancelled)

14. (previously presented) An optical disc reproduction apparatus to reproduce data from an optical disc, comprising:

- a main body;
- a tray slidably installed in the main body;
- an optical pickup device to reproduce data on said optical disc; and
- a damping unit to absorb shock when the tray is unloaded from the main body.

15. (previously presented) The optical disc reproduction apparatus according to claim 14, wherein said damping unit absorbs shock during reproduction of the data on the optical disc.

16. (previously presented) An optical disc changer, comprising:

- a main body;
- a tray slidably installed in the main body to accommodate a plurality of optical discs;
- an optical pickup device to reproduce one of the optical discs;
- a stop member and a hook step provided at the tray and the main body, respectively, to prevent the tray from escaping from the main body during unloading; and
- a damper to absorb an impact when the stop member and the hook step bump against each other.

17. (previously presented) The optical disc changer according to claim 16, wherein the damper is disposed between the stop member and the hook step to absorb an impact when the stop member and the hook step bump against each other.

18. (previously presented) The optical disc changer according to claim 17, wherein the damper is installed at the hook step and a shortest portion of the damper protrudes toward the stop member rather than the hook step.

19. (previously presented) The optical disc changer according to claim 18, wherein the damper has a cylindrical shape and is fixedly inserted around a protrusion formed on the tray or the main body.

20. (previously presented) The optical disc changer according to claim 16, wherein the stop member and the hook step approach each other, without a bump, in a direction opposite to a direction for unloading.

21. (previously presented) The optical disc changer according to claim 20, wherein the stop member and/or the hook step retreat when a force is applied in a direction opposite to the direction for unloading and elastically return to an original position when the force is removed.

22. (previously presented) The optical disc changer according to claim 21, wherein an inclination is formed on the stop member or the hook step at a side opposite to a side that bumps during unloading, to move the stop member and the hook step not to bump against each other when approaching each other in a direction opposite to a direction during unloading.

23. (previously presented) The optical disc changer according to claim 22, wherein the stop member and or the hook step is formed on a plate having elasticity and extending from one side of a through hole formed in the tray or the main body.

24. (previously presented) The optical disc changer according to claim 23, wherein the damper is installed on the plate.